



IN REPLY REFER TO:

YAK-5000
WTR-1.00

United States Department of the Interior

BUREAU OF RECLAMATION

Yakima Field Office
1917 Marsh Road
P.O. Box 1749
Yakima, Washington 98907-1749

JUN 18 2001

Mr. Carter J. Fjeld
Attorney for Naches-Selah Irrigation District
Velikanje, Moore & Shore, P.S.
PO Box 22550
Yakima WA 98907

Subject: Naches-Selah Irrigation District/Roza Irrigation District - 2001 Temporary Water Transfer, WTP #2001-17

Dear Mr. Fjeld:

Tom Cowan and Ron Van Gundy, of the Roza Irrigation District (RID), provided us a copy of your June 6, 2001 letter here at Reclamation, which we discussed at our weekly 2001 drought water transfers group meeting on Monday, June 11th. Thank you for clarifying that the Naches-Selah Irrigation District (NSID) water transfer agreement with RID authorizes transfer of only 1.257 cfs, 342.16 acre-feet of NSID water to RID for its use during the 2001 irrigation season.

As your letter correctly notes, our drought group, on May 21, 2001, approved for further processing, the proposed transfer of up to (a maximum of) 1.52 cfs, 433.8 acre-feet of NSID water to RID for the 2001 irrigation season, under Water Transfer Proposal (WTP) #2001-17. The Adjudication Court, on June 7, 2001, signed an order pendente lite authorizing the transfer of up to (a maximum of) 1.52 cfs, 433.8 acre-feet of NSID water to RID for the 2001 irrigation season under WTP #2001-17.

My staff made certain assumptions in processing this proposed water transfer and in trying to quantify the NSID water right that is appurtenant to the 127.2 acres of NSID lands which were fallowed to make this water transfer to RID possible. These assumptions proved to be in error, resulting in our estimate of 433.8 acre-feet of water that would be transferable to RID. Since the actual amount of water that your district has agreed to transfer to RID for the 2001 irrigation season (totaling 1.257 cfs, 342.16 acre-feet) is smaller than the court-approved transfer quantity, we do not believe we need to approach the court with a motion to correct the court's transfer approval order of June 7, 2001.

Reclamation will debit NSID only 1.257 cfs, 342.16 acre-feet of water from its non-proratable water bucket for 2001. Reclamation will transfer only 342.16 acre-feet of water to a non-

proratable water bucket for RID. This approach was approved by the entire 2001 drought water transfers group at its June 11, 2001 meeting, as a way of ensuring proper protection of NSID's water rights and interests in this transfer transaction. If this approach is not acceptable to your client, please let us know as soon as possible.

We have attempted to expedite the processing and approval of the many 2001 drought water transfer requests we have received this spring. In trying to speed these approvals, we apparently did not provide you with an adequate opportunity to review the draft court order approving WTP #2001-17. I apologize for that oversight. I assure you that the RID and its counsel has been fully involved in the water transfer process, and also that the NSID (Terry Barnett) has attended at least one of our weekly drought meetings and is on our e-mail distribution list, receiving our group informational mailouts. We were unaware that NSID was inadequately informed as we processed WTP #2001-17. We will ensure that NSID is fully in the loop on any future water transfer proposals involving the NSID.

I hope this information helps you. Let me know if I can be of any further assistance. Thank you again for providing us with the correct information as to the quantity of water you transferred to RID under WTP #2001-17.

Sincerely,



David G. Murillo
Yakima Field Office Manager

cc: Mr. Ron Van Gundy
Roza Irrigation District
PO Box 810
Sunnyside WA 98944

Mr. Tom Cowan, Attorney
Cowan & Walker, P.S.
503 Knight St., Suite A
Kennewick WA 99352

Mr. Bob Barwin
Washington State Department of Ecology
15 West Yakima Av., Suite 200
Yakima WA 98902



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

June 4, 2001

CERTIFIED MAIL

Ron Van Gundy, Manager
Roza Irrigation District
PO Box 810
Sunnyside WA 98944-0810

**RE: Emergency Drought Change Authorization
(Court Claim No. 1398; Cause No. 77-2-01484-5)**

Enclosed please find a copy of the Department of Ecology's Emergency Drought Change Authorization(s). This report constitutes our determination and order regarding the above-referenced application for change. If you have any questions or concerns about any of this information, please call Carol Mortensen of the Department of Ecology at (509) 575-2597.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of the date the Order was mailed in the same manner described above.

Sincerely,

Robert F. Barwin, Section Manager
Water Resources Program

RFB:gg
010605a

Enclosures: Emergency Drought Change Authorization(s)

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STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

June 4, 2001

To: Carroll Palmer, Yakama Nation

RE: Emergency Drought Change Authorization re:
Court Claim No. 1398; Cause No. 77-2-01484-5

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